

referred to in that sub-clause within a period of two months from the date of the publication of the Madras City Tenants' Protection (Amendment) Act, 1973, reopen or review the proceedings relating to such decree or order and may pass a decree or an order that the tenant referred to in the said sub-clause, is entitled to the rights under this Act and pass such other supplemental, incidental or consequential orders as are necessary for the purpose as if the Madras City Tenants' Protection (Amendment) Act, 1973, were in force at the time at which the decree or order was passed."

4. *Amendment of the Madras City Tenants' Protection (Amendment) Act, 1972.*—In the Madras City Tenants' Protection (Amendment) Act, 1972 (Tamil Nadu Act 4 of 1972)—

(i) in section 4, for the heading "Validation" the heading "Certain stipulations to be, and to be deemed to have been, null and void" shall be substituted;

(ii) in section 5,—

(1) at the commencement, the following expression shall be inserted, namely :—

"Subject to the provisions of sub-section (3-A) of section 9 of the principal Act, as amended by the Madras City Tenants' Protection (Amendment) Act, 1973";

(2) for the words "taken possession", the words "been delivered actual physical possession", shall be substituted.

இணைப்பு IV

306 ஆம் பக்கத்தில் இனம் 3 (4) க்கான அடிக்குறிப்பைக் காண்க.]

I.A. Bill No. 3 of EFSA

L.A. Bill No. 3 of 1973.

A Bill to provide for the appointment and functions of certain authorities for the investigation and inquiry into allegations of criminal misconduct against public men in the State of Tamil Nadu and for matters connected therewith.

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BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-fourth Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Tamil Nadu Public Men (Criminal Misconduct) Act, 1973.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the Government may, by notification, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “ Commissioner ” or “ Additional Commissioner ” means the Commissioner of Inquiries or an Additional Commissioner of Inquiries, as the case may be, appointed under section 4;

(b) “ Government ” means the Government of Tamil Nadu;

(c) “ public man ” means—

(i) any person who is or has been the Chief Minister or any other Minister of the State;

(ii) a person who is or has been a Member of the Legislative Assembly or of the Legislative Council of the State; or

(iii) a person who is or has been a Mayor or Deputy Mayor of the Municipal Corporation of Madras or of Madurai or Chairman of any Standing or Subject or other Committee constituted or deemed to be constituted under the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), or the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), as the case may be;

(iv) a person who is or has been the Chairman or Vice-Chairman of a Municipal Council or Chairman of any Standing or Subject or other Committee constituted or deemed to be constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) or any other law for the time being in force;

(v) a person who is or has been the Chairman or Vice-Chairman of a Panchayat Union Council or Chairman or President of any Standing or Subject or other Committee of such Council constituted or deemed to be constituted under the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), or any other law for the time being in force ;

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(vi) a person other than a government servant who is or has been the Chairman of—

(a) any corporation (not being a local authority) established by or under a State or Provincial Act and owned or controlled by the State Government;

(b) any Government company within the meaning of section 617 of the Companies Act, 1956 (Central Act I of 1956), in which not less than fifty-one per cent of the-paid-up share capital is held by the State Government, or any company which is a subsidiary of a company in which not less than fifty-one per cent of the paid-up share capital is held by the State Government.

(d) “public servant” shall have the same meaning as in section 21 of the Indian Penal Code (Central Act 45 of 1860);

(e) “State” means the State of Tamil Nadu.

3. *Definition of criminal misconduct.*—Whoever being a public man—

(1) accepts, or obtains, from any person for himself or for any other person, any gratification whatever, other than legal remuneration as a motive or reward for doing or for bearing to do any official act or showing or for bearing to show, in the exercise of his official functions favour or disfavour to any person or for rendering any service or disservice to any person, with the Government or the Legislature of the State or with any local authority, corporation or Government, company referred to in section 21 of the Indian Penal Code (Central Act 45 of 1860) or with any public servant as such, or

(2) accepts or obtains, from any person for himself or for any other person, any gratification whatever as a motive or reward for inducing by corrupt or illegal means any public servant to do or to for bear to do any official act, or in the exercise of the official functions of such public servant, to show favour or disfavour to any person or to render any service or disservice to any person with the Government or the Legislature of the State, or with any local authority, corporation or Government, company referred to in section 21 of the Indian Penal Code (Central Act 45 of 1860) or with any public servant as such, or

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(3) by corrupt or illegal means or by otherwise abusing his position as a public man obtains for himself or for any other person any valuable thing or pecuniary advantage,
is said to commit criminal misconduct.

Explanation.—(a) The word “ gratification ” is not restricted to pecuniary gratifications or to gratifications estimable in money.

(b) The words “ legal remuneration ” are not restricted to remuneration which a public man can lawfully demand, but include all remuneration which is lawfully permissible.

(c) A person who receives a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done comes within the expression “ a motive or reward for doing ”.

4. *Appointment of Commissioner of Inquiries and Additional Commissioner of Inquiries.*—(1) For the purpose of conducting investigation in accordance with the provisions of this Act, the Government shall, on the recommendation of the Chief Justice of the High Court appoint, by notification, a person to be known as Commissioner of Inquiries and one or more persons to be known as Additional Commissioner of Inquiries.

(2) The Commissioner shall be a person who is, or who is qualified for appointment as, or who has been, a Judge of a High Court and an Additional Commissioner shall be a person who is, or who is qualified for appointment as, or who has been, a District Judge.

(3) Every person appointed as the Commissioner or Additional Commissioner shall, before entering upon his office, make and subscribe before the Chief Justice of the High Court or some person appointed in that behalf by him an oath or affirmation in the form set out for the purpose in the First Schedule.

(4) The Additional Commissioner shall be subject to the administrative control of the Commissioner, and in particular, for the purpose of convenient disposal of investigations under this Act, the Commissioner may issue such general or special directions as he may consider necessary to the Additional Commissioner :

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Provided that nothing in this sub-section shall be construed to authorise the Commissioner to question any finding, conclusion or recommendation of an Additional Commissioner.

5. *Term of office and other conditions of service of Commissioner and Additional Commissioner.*—(1) Every person appointed as the Commissioner or Additional Commissioner, shall hold office for a term of three years from the date on which he enters upon his office :

Provided that—

(a) the Commissioner or an Additional Commissioner may, by writing under his hand addressed to the Government, resign his office ;

(b) the Commissioner or Additional Commissioner may be removed from office in the manner specified in section 6.

(2) If the office of the Commissioner or Additional Commissioner becomes vacant, or if the Commissioner or Additional Commissioner is by reason of absence or for any other reason whatsoever, unable to perform the duties of his office, whose duties shall, until some other person appointed under section 4 enters upon such office or, as the case may be, until the Commissioner or such Additional Commissioner resumes his duties, be performed,—

(a) where the office of the Commissioner becomes vacant or where he is unable to perform the duties of his office, by the Additional Commissioner or if there are two or more Additional Commissioners by such one of the Additional Commissioners as the Government may, by order, direct;

(b) where the office of the Additional Commissioner becomes vacant or where he is unable to perform the duties of his office, by the Commissioner himself, or if the Commissioner so directs, by the other Additional Commissioner or as the case may be, such one of the other Additional Commissioners as may be specified in the direction.

(3) On ceasing to hold office, the Commissioner or Additional Commissioner shall be ineligible for any further employment (whether as the Commissioner or Additional Commissioner or in

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any other capacity) under the Government, or for any employment, under any local authority, corporation, company or society (whether private or public).

(4) There shall be paid to the Commissioner and the Additional Commissioner such salaries as are specified in the Second Schedule.

(5) The allowances and pension payable to, and other conditions of service of, the Commissioner or Additional Commissioner shall be the same as admissible—

(a) to a Judge of a High Court in the case of the Commissioner,

(b) to a District Judge in the case of an Additional Commissioner :

Provided that the allowances and pension payable to, and other conditions of service of, the Commissioner or an Additional Commissioner shall not be varied to his disadvantage after his appointment.

6. *Removal of Commissioner or Additional Commissioner.*—

(1) Subject to the provisions of Article 311 of the Constitution and sub-sections (2) and (3) of this section, the Commissioner or Additional Commissioner may be removed from his office by the Government on the ground of misbehaviour and on no other ground.

(2) No proceeding shall be taken under sub-section (1) unless there is a specific allegation alleging misbehaviour on the part of the Commissioner or an Additional Commissioner.

(3) Where there is any such allegation as is referred to in sub-section (2), it shall be inquired into by a special Tribunal consisting of three Judges of the High Court, nominated from time to time by the Chief Justice in that behalf, and the special Tribunal shall give a finding whether or not the allegation is substantiated :

Provided that no finding shall be given by the special Tribunal unless the Commissioner or Additional Commissioner against whom such allegation is made and the person making such allegation are heard.

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(4) The special Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) when trying a suit.

7. *Commissioner or Additional Commissioner to investigate criminal misconduct in relation to public man.*—(1) Subject to the provisions of this Act, the Commissioner may investigate or cause to be investigated any allegation of criminal misconduct against such public man as is referred to in sub-clauses (i) and (ii) of clause (c) of section 2.

(2) The Additional Commissioner may investigate or cause to be investigated any allegation of criminal misconduct against such public man as is referred to in sub-clauses (iii), (iv), (v) and (vi) of clause (c) of section 2.

8. *Limitation for preferring complaints.*—The Commissioner or an Additional Commissioner shall not investigate or cause to be investigated any complaint involving criminal misconduct if the complaint is made—

(i) after the expiry of one year from the date on which the criminal misconduct complained against was alleged to have been committed; or

(ii) after the expiry of six months from the date on which the public man ceases to be such public man, whichever is later.

9. *Provisions relating to complaints.*—(1) Subject to the provisions of this Act, any person may make a complaint of criminal misconduct—

(a) to the Commissioner against such public man as is referred to in sub-clauses (i) and (ii) of clause (c) of section 2, and

(b) to the Additional Commissioner against such public man as is referred to in sub-clauses (iii), (iv), (v) and (vi) of clause (c) of section 2.

(2) Every complaint shall be made in such form and shall be accompanied by such affidavits as may be prescribed.

(2) Every complaint shall be made in such form and shall be enacted, any letter written to the Commissioner or an Additional Commissioner by a person in police custody or in jail shall be

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forwarded to the addressee unopened and without delay by the police officer or other person in charge of such jail, and the Commissioner or Additional Commissioner, as the case may be, may if satisfied that it is necessary so to do, treat such letter as a complaint made in accordance with the provisions of sub-section (2).

10. *Procedure in respect of investigation of criminal misconduct.*—(1) The procedure for conducting any investigation in respect of a complaint of criminal misconduct against any public man shall be such as the Commissioner or Additional Commissioner considers appropriate in the circumstances of the case.

(2) Subject to the provisions of sub-section (1), where any complaint of criminal misconduct against a public man is received by the Commissioner or Additional Commissioner, the Commissioner or Additional Commissioner shall make or cause to be made a preliminary investigation to find out whether there is any *prima facie* case against the public man in respect of the allegation of criminal misconduct :

Provided that before giving a finding under this sub-section, the Commissioner or Additional Commissioner may,—

(a) hear the complainant and the public man concerned, or

(b) require any public servant, or any other person who, in his opinion is able to furnish any information or produce any document relevant to the investigation, to furnish such information or produce such document.

(3) Where the Commissioner or Additional Commissioner gives a finding under sub-section (2) that there is no *prima facie* case against the public man in respect of the allegation of criminal misconduct, he shall dismiss the complaint after briefly recording his reasons for so doing :

Provided that the Commissioner or Additional Commissioner shall not dismiss any complaint under this sub-section, unless the complainant has been given an opportunity of being heard, if such complainant has not already been heard under clause (a) of the proviso to sub-section (2).

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(4) Where, after such preliminary investigation, the Commissioner or Additional Commissioner is satisfied that there is a *prima facie* case, the Commissioner or Additional Commissioner shall make a detailed investigation in regard to the complaint:

Provided that before coming to a conclusion on the basis of such detailed investigation, the complainant and the public man concerned shall be given an opportunity of being heard and of producing relevant documents in support of their case:

Provided further that the Commissioner or Additional Commissioner may require any public servant or any other person who, in his opinion, is able to furnish any information or produce any document relevant to such investigation, to furnish such information or produce such document.

11. *Compensatory costs in respect of false, frivolous or vexatious complaints.*—(1) If in any proceeding before the Commissioner or Additional Commissioner, the public man objects to any allegation in the complaint on the ground that the allegation made against the public man is false, frivolous or vexatious to the knowledge of the complainant the Commissioner or Additional Commissioner, while disposing of the complaint, may if he so thinks, after recording his reasons for coming to a decision that the allegation is false, frivolous or vexatious, make an order for the payment to the public man, by the complainant, of damages by way of compensation.

(2) No person against whom an order has been made under this section shall, by reason thereof, be exempted from any criminal liability in respect of any allegation made by him.

(3) The amount of any compensation awarded under this section in respect of a false, frivolous or vexatious complaint shall be taken into account in any subsequent suit for damages or compensation in respect of such complaint.

(4) An order passed under sub-section (1) for the payment of damages by way of compensation shall be executed as if it were a decree passed by a Civil Court within the local limits of whose jurisdiction the property belonging to the complainant is situate, or within the local limits of whose jurisdiction the complainant actually and voluntarily resides, or carries on business or personally works for gain.

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12. *Appeal against an order under section 11.*—(1) Against any order passed by the Commissioner or Additional Commissioner under sub-section (1) of section 11, the complainant may, within such period as may be prescribed, appeal to a Special Appellate Tribunal consisting of two Judges of the High Court nominated from time to time by the Chief Justice in that behalf.

(2) The members of the Special Appellate Tribunal shall hear the appeal on all points, whether of law or of fact. Where on any such point or points the members are divided in their opinion, they shall state the point or points on which they are so divided and such point or points, together with their opinions thereon, shall then be laid before one or more Judges nominated for the purpose by the Chief Justice and such Judge or Judges shall hear the appeal in so far as it relates to such point or points, and on each such point, the decision of the majority of the Judges who have heard the appeal including those who first heard it shall be deemed to be the decision of the Special Appellate Tribunal.

(3) The Special Appellate Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908) when hearing an appeal.

(4) The decision of the Special Appellate Tribunal shall be final.

13. *Refusal to investigate frivolous or false complaint.*—(1) The Commissioner or Additional Commissioner may, in his discretion, refuse to investigate or cause to be investigated or cease to investigate any complaint or criminal misconduct against any public man, if in his opinion,—

(a) the complaint is false, frivolous or vexatious or is not made in good faith, or

(b) there are no sufficient grounds for investigating or, as the case may be, for continuing the investigation.

(2) In an case where the Commissioner or an Additional Commissioner decides not to entertain a complaint or to discontinue any investigation in respect of a complaint, he shall record his reasons therefor and communicate the same to the complainant and the public man concerned.

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14 *Evidence*.—(1) For the purpose of any investigation (including the preliminary investigation) under this Act, the Commissioner or an Additional Commissioner shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters, namely :—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any Court or office;

(e) issuing commissions for the examination of witnesses or documents;

(f) such other matters as may be prescribed.

(2) Any proceeding before the Commissioner or an Additional Commissioner shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code (Central Act 45 of 1860).

(3) Subject to the provisions of sub-section (4), no obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to Government or any public servant, whether imposed by any enactment or by any rule of law, shall apply to the disclosure of information for the purposes of any investigation under this Act and the Government or any public servant shall not be entitled in relation to any such investigation to any such privilege in respect of the production of documents or the giving of evidence as is allowed by any enactment or by any rule of law in legal proceedings.

(4) No person shall be required or authorised by virtue of this Act to furnish any such information or answer any such question or produce so much of any document, as might prejudice the security or defence or international relations of India (including India's relations with the Government of any other country or with any international organisation), or the investigation or

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detection of crime, and for the purpose of this sub-section a certificate issued by a Secretary to Government certifying that any information, answer or portion of a document is of the nature specified in this sub-section shall be binding and conclusive.

(5) Subject to the provisions of sub-section (3) no person shall be compelled for the purposes of investigation under this Act to give any evidence or produce any document which he could not be compelled to give or produce in proceedings before a Court.

15. *Punishment for criminal misconduct.*—Any public man who commits criminal misconduct shall on conviction be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

16. *Punishment for false, frivolous or vexatious complaint.*—(1) Notwithstanding anything contained in this Act, every person who makes a false, frivolous or vexatious complaint against a public man under this Act, shall on conviction be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

(2) No court shall take cognizance of such offence except with the previous sanction of the Commissioner.

17. *Punishment for intentional insult or interruption to, or bringing into disrepute, Commissioner or Additional Commissioner.*—(1) Whoever intentionally offers any insult, or causes any interruption to the Commissioner or an Additional Commissioner, while the Commissioner or the Additional Commissioner is conducting any investigation under this Act, shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) Whoever, by words spoken or intended to be read, makes or publishes any statement or does any other act, which is calculated to bring the Commissioner or Additional Commissioner into disrepute, shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

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(3) The provisions of section 198-B of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898), shall apply in relation to an offence under sub-section (1) or sub-section (2) as they apply in relation to an offence referred to in sub-section (1) of the said section 198-B, subject to the modification that no complaint in respect of such offence shall be made by the Public Prosecutor except with the previous sanction,—

(a) in the case of an offence against the Commissioner, of the Commissioner;

(b) in the case of an offence against an Additional Commissioner, of the Additional Commissioner concerned.

18. *Report of the Commissioner and Additional Commissioner.*—(1) Whereas a result of any detailed investigation under sub-section (4) of section 10 in respect of a complaint of criminal misconduct against a public man, the Commissioner or an Additional Commissioner is of opinion,—

(a) that it is expedient in the interest of justice that the public man against whom criminal misconduct has been alleged, should be prosecuted for an offence under section 15; or

(b) that the allegation has not been substantiated, he shall record a finding to that effect stating his reasons therefor and report the same to the Government.

(2) In cases falling under clause (a) of sub-section (1), the public man shall be prosecuted and tried under section 6 of the Criminal Law (Amendment) Act, 1952 (Central Act 46 of 1952).

(3) In cases falling under clause (b) of sub-section (1), the matter shall be dropped.

(4) The Commissioner or Additional Commissioner shall, as far as possible, make a report under sub-section (1) within a period of one year from the date of the receipt of the complaint of criminal misconduct by the Commissioner or Additional Commissioner.

19. *Amendment of Central Act 46 of 1952.*—In section 6 of the Criminal Law (Amendment) Act, 1952 (Central Act 46 of 1952), in clause (a) of sub-section (1), the expression “or under section 15 of the Tamil Nadu Public Men (Criminal Misconduct) Act, 1973” shall be added at the end.

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20. *Annual report by the Commissioner and Additional Commissioner.*—The Commissioner and the Additional Commissioners shall present annually a consolidated report on the performance of their functions under this Act to the Government.

21. *Staff of Commissioner and Additional Commissioner.*—(1) The Commissioner may appoint, or authorise an Additional Commissioner or any officer subordinate to the Commissioner or an Additional Commissioner to appoint, officers and other employees to assist the Commissioner and the Additional Commissioners in the discharge of their functions under this Act.

(2) The categories of officers and employees who may be appointed under sub-section (1), their salaries, allowances and other conditions of service and the administrative powers of the Commissioner and Additional Commissioners shall be such as may be prescribed, after consultation with the Commissioner.

(3) Without prejudice to the provisions of sub-section (1), the Commissioner or an Additional Commissioner may, for the purpose of conducting investigation under this Act, utilize the services of any officer or investigation agency of the Government.

22. *Secrecy of information.*—(1) Any information obtained by the Commissioner or the Additional Commissioners or members of their staff in the course of, or for the purposes of, any investigation under this Act, and any evidence recorded or collected in connection with such investigation shall be treated as confidential and notwithstanding anything contained in the Indian Evidence Act, 1872 (Central Act I of 1872), no Court shall be entitled to compel the Commissioner or an Additional Commissioner to give evidence relating to such information or produce the evidence so recorded or collected.

(2) Nothing in sub-section (1) shall apply to the disclosure of any information or particulars,—

(a) for purposes of the investigation or in any report to be made thereon or for any action or proceedings to be taken on such report; or

(b) for purposes of any proceedings for an offence under the Official Secrets Act, 1923 (Central Act 19 of 1923), or an offence of giving or fabricating false evidence under the

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Indian Penal Code (Central Act 45 of 1860) or for purposes of any proceedings under section 17, or

(c) for such other purposes as may be prescribed.

23. *Protection of action taken under the Act.*—(1) No suit, prosecution, or other legal proceeding shall lie against the Commissioner or an Additional Commissioner or against any officer, employee, agency or person referred to in section 21 in respect of anything which is in good faith done or intended to be done under this Act.

(2) No proceeding of the Commissioner or the Additional Commissioner shall be held invalid for want of form and except on the ground of jurisdiction, no proceedings or decision of the Commissioner or the Additional Commissioner shall be liable to be challenged, reviewed, or called in question in any court.

24. *Conferment of additional functions on Commissioner or Additional Commissioners, etc.*—(1) The Government may, by notification and after consultation with the Commissioner, confer on the Commissioner or an Additional Commissioner, as the case may be, such additional functions in relation to condition of corruption as may be specified in the notification.

(2) The Government may, by order in writing and after consultation with the Commissioner, confer on the Commissioner or an Additional Commissioner such powers of a supervisory nature over agencies, authorities or officers set up, constituted or appointed by the Government for the eradication of corruption.

25. *Power of Government to refer any allegation of criminal misconduct to the Commissioner or Additional Commissioner.*—

(1) (a) Where any allegation of criminal misconduct against any public man is or has been brought to the notice of the Government, the Government may, if they are satisfied that it is necessary in the public interest that the allegation of criminal misconduct should be investigated under this Act, or

(b) where a resolution is passed by the Legislative Assembly of the State that any allegation of criminal misconduct made by any person against a person (including the Chief Minister or any other Minister) who is or has been a member of the Legislative Assembly shall be referred to the Commissioner, the Government shall, or

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(c) where a resolution is passed by the Legislative Council of the State, that any allegation of criminal misconduct made by any person against a person (including the Chief Minister or any other Minister) who is or has been a member of the Legislative Council, shall be referred to the Commissioner, the Government shall,

by order in writing, require the Commissioner or Additional Commissioner, as the case may be, to investigate the allegation of criminal misconduct, and notwithstanding anything contained in this Act, the Commissioner or Additional Commissioner shall comply with such order.

(2) For the purposes of this Act, the person who made the allegation of criminal misconduct referred to in sub-section (1) shall be deemed to be the complainant.

26. *Powers of Commissioner or Additional Commissioner on conferment of additional functions.*—When any additional functions are conferred on the Commissioner or an Additional Commissioner under sub-section (1) of section 24 or when the Commissioner or an Additional Commissioner is required to investigate any allegation of criminal misconduct under section 25, the Commissioner or an Additional Commissioner shall exercise the same powers and discharge the same functions as he would in the case of any investigation made on a complaint and the provisions of this Act shall apply accordingly.

27. *Power to delegate.*—The Commissioner or an Additional Commissioner may, by a general or special order in writing, direct that any powers conferred or duties imposed on him by or under this Act (except the power to make reports to the Government under section 18) may also be exercised or discharged by such of the officers, employees or agencies referred to in section 21 as may be specified in the order.

28. *Power to make rules.*—(1) The Government may, by notification, make rules for the purpose of carrying into effect the provisions of this Act.

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(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for—

(a) the form in which complaints may be made and the fees, if any, which may be charged in respect thereof;

(b) the powers of a civil court which may be exercised by the Commissioner or an Additional Commissioner;

(c) any other matter which is to be or may be prescribed under this Act.

(3) Every rule made and every notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or notification, or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

29. *Act to override other laws, etc.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom, usage or contract or decree or order of a court or other authority.

THE FIRST SCHEDULE.

[See section 4 (3).]

.....having been appointed
 Commissioner swear in the name of God
 do that I
 Additional Commissioner solemnly affirm
 will bear true faith and allegiance to the Constitution of India as
 by law established, and I will duly and faithfully and to the best
 of my ability, knowledge and judgment perform the duties of my
 office without fear or favour, affection or will.

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THE SECOND SCHEDULE.

[See section 5 (4).]

There shall be paid to the Commissioner and the Additional Commissioner in respect of time spent on actual service, salary at the following rates per mensem, that is to say:—

	RS.
Commissioner	4,000
Additional Commissioner	3,000

Provided that, if the Commissioner or an Additional Commissioner at the time of his appointment is in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Government of India or any of its predecessor Governments or under the Government of a State or any of its predecessor Governments, his salary in respect of service as the Commissioner or as the case may be Additional Commissioner shall be reduced—

(a) by the amount of that pension,

(b) if he has, before such appointment, received in lieu of a portion of the pension, due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension, and

(c) if he has, before such appointment, received a retirement gratuity in respect of such previous service by the pension equivalent of that gratuity.

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